

June 28, 2000

Via Electronic and Regular Mail

Mary L. Cottrell, Secretary

Department of Telecommunications and Energy

One South Station, 2d Floor

Boston, MA 02110

Re: DTE 00-39

Rulemaking by the Department of Telecommunications and Energy to promulgate regulations governing an expedited dispute resolution process for complaints involving competing telecommunications carriers as 220 C.M.R. §§ 15.00 et seq.

Dear Secretary Cottrell:

MediaOne Telecommunications of Massachusetts, Inc. ("MediaOne") hereby submits this letter in support of the above-captioned Rulemaking issued by the Department of Telecommunications and Energy (the "Department") in its Order Instituting Rulemaking on June 5, 2000.

MediaOne joins the Department in recognizing the importance of providing an avenue of resolution for inter-carrier disputes that is both expeditious and comprehensive. Carrier to carrier disputes that are not resolved in a timely manner may have a lasting and damaging effect on a competitor's ability to conduct its business and as the Department acknowledged in its Order, will often advantage the incumbent. The proposed expedited resolution process provides the complainant a measure of certainty that its issues will be heard and adjudicated in a forum designed for swift decision making.

MediaOne further supports the Department's proposition that the parties must submit themselves to Department supervised mediation prior to acceptance on to the Accelerated Docket. This mediation period will serve to provide the Department and both parties with a full understanding of the complexity of the issues, as well as focus and facilitate the parties' settlement discussions, which may otherwise be more easily derailed. This procedure will clearly serve to increase the opportunity for settlement prior to the formal filing of a complaint.

MediaOne also respectfully requests that the Department consider the following comments on proposed rules 15.04(3) and 15.05(4):

Section 15.04(3)

This section requires that parties to a dispute engage in good faith settlement discussions for a minimum of ten days prior to petitioning the Department for acceptance on to the Accelerated Docket. MediaOne agrees that good faith negotiations prior to the Accelerated Docket proceeding will benefit both parties, but seeks clarification as to when this ten-day period is triggered. MediaOne virtually always negotiates with the other party prior to bringing a dispute to the Department's attention, but has also experienced negotiation attempts that were met with inattention or delay by the other party. MediaOne therefore believes that the ten-day period should be measured from the date that a party initiates discussion or negotiation over the disputed issue. Additionally, a situation may exist, such as disputes that affect service, where MediaOne would request that the Department hear the dispute immediately. In this respect, the goals of the expedited process will be furthered by avoiding undue delay and a party will not be penalized if the other party does not respond in a timely manner to a bona fide attempt at resolution.

Section 15.05(4)

Section 15.05(4) requires that the parties file a list of stipulations and discovery issues on which the parties have reached agreement contemporaneous with the respondent's filing of the answer. Given that the parties are subject to a similar requirement two days prior to the initial status conference, the filing contemporaneous with the answer appears to be somewhat premature.

Pursuant to the proposed rules, the respondent has seven days to file an answer. At that point, the complainant has not yet had the opportunity to review the answer before discussing the above mentioned items. This filing seems more appropriate at the pre-initial status conference stage as set forth by the proposed rule 15.07(4), which requires the parties, two days prior to the conference, to submit a joint statement of the agreements they have reached with respect to discovery, the facts to which they have agreed to stipulate and the disputed facts or issues to which they can agree. In addition, Section 15.07(5) requires, as appropriate, separate statement of disputed facts and issues to which the parties cannot agree. MediaOne believes the filing should occur as set forth in 15.07(4), after receiving the respondent's answer and after the required pre-initial status conference meeting, yet only nine days after the filing of the answer.

Conclusion

MediaOne strongly endorses the expedited procedures as outlined in the proposed rules and applauds the Department for moving forward with a proactive approach to the efficient resolution of inter-carrier disputes, benefiting competitors, incumbents and consumers.

Respectfully submitted,

Stacey L. Parker

Counsel, Director of Regulatory Affairs